

Serial No. 09/660,027

AMENDMENTS TO THE CLAIMS:

This listing of claims will replace all prior versions, and listings, of claims in the application:

LISTING OF CLAIMS:

Claims 1-7 (canceled)

- A¹
- 1 8. (currently amended) A method for use in connection with a cable modem
2 system having a cable modem terminating system module and a spectrum analyzer each
3 having a communication port, the method comprising the step of searching for a
4 candidate channel having a specified bandwidth within the spectrum allocated for use as
5 upstream channels that are indicated by said spectrum analyzer to have an acceptable
6 noise level over a prescribed period of time ~~The invention as defined in claim 6 wherein~~
7 ~~said searching step failed to find a channel with an acceptable noise level over said~~
8 ~~prescribed period, the method further comprising the steps of:~~
9 reducing said prescribed period of time; and
10 repeating said searching step.

Claims 9-22 (canceled)